

Appl. No. : 10/795,973  
 Filed : March 8, 2004

### REMARKS

In response to the Office Action mailed October 19, 2005, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 43, 45 and 46 remain pending. Claims 44, 47 and 48 have been canceled, without prejudice or disclaimer. New Claims 49 and 50 have been added.

In the changes made by the current amendment, ~~deletions are shown by strikethrough~~, and additions are underlined.

#### Claims 43, 45 and 46 Are Allowable Over Brown et al.

Claims 43, 45 and 46 presently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown et al. Applicants respectfully submit that Claims 43, 45 and 46 in their condition prior to this amendment are allowable over the Brown et al. reference. For example, Brown et al. does not disclose or suggest *an external surface of a rearward side* of the box defining a recess configured to receive a battery. In the Brown et al. reference, the "recess" is defined by a top surface of the box, along with additional walls extending upward from the top surface. However, to expedite allowance of the present application, Applicants have amended Claim 43 to further clarify the distinctions over the Brown et al. reference.

Claim 43, as amended, recites that the box has an open upper end, and that a plate is sized and shaped to cover the open upper end. Furthermore, at least terminal ends of a battery received within the recess *are externally accessible when the plate is positioned to cover the open upper end of the box*. Thus, with such an arrangement, the battery is capable of providing power to a system while it is held in place within the recess of the box. Accordingly, the box containing a supply of soap and the battery may be replaced simultaneously.

In contrast, in the dispenser of the Brown et al. reference, when the "plate," or panel 112, is positioned over the recess, any item within the recess will be completely covered and, thus, will not be *externally accessible*. Accordingly, while it may be possible to store a battery within the recess of the Brown et al. dispenser, any such battery would not be available to provide power to a system while within the recess, as is possible with the invention of Claim 43. For at least

Appl. No. : 10/795,973  
Filed : March 8, 2004

this reason, Applicants submit that Claim 43 is allowable over the Brown et al. reference and respectfully request withdrawal of the present rejection.

Claims 45 and 46 are allowable not only because they depend from an allowable claim, but upon their own merit as well. Reconsideration and withdrawal of the present rejection of Claims 45 and 46 is respectfully requested.

New Claims 49 and 50 Have Been Added

New Claims 49 and 50 have been added. These claims are fully supported by the specification as filed. Accordingly, Applicants submit that no new matter has been added. Claims 49 and 50 depend from allowable Claim 43 and are allowable on their own merit as well. Accordingly, consideration and allowance of Claims 49 and 50 are respectfully requested.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Curtiss C. Dosier at (949) 721-7613 (direct line), to resolve such issue promptly.

Appl. No. : 10/795,973  
Filed : March 8, 2004

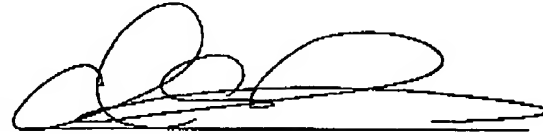
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: MARCH 20, 2006

By:



Curtiss C. Dosier  
Registration No. 46,670  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

2317259  
012306